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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,672	08/22/2003	Kazuhiro Takahashi	03500.012242.2	8393

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EXAMINER	
SHERALI, ISHRAT I	

ART UNIT	PAPER NUMBER
2624	

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/645,672	TAKAHASHI ET AL.	
	Examiner	Art Unit	
	Sherali Ishrat	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *15 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *34-38 and 44-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *34-38 and 44-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/15/2006 has been entered.

Applicant's arguments provided in the Applicant's amendment received on 9/15/2006 is fully considered however they are not persuasive with respect art rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 34-38 and 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Washino et al. (US 5,625,410) in view of Scores et al (US 5,426,513) .

Regarding claim 34 Washino discloses an image capture apparatus (Washino in Figure 7, col. lines 48-52, shows an image capture apparatus i.e camera and PC based image monitoring system) comprising:

an image capture unit that captures images (Washino in Figure 7, col.6, lines 48-52 shows camera which captures images);

a setting unit adapted to set the number of pixels of each images and compression ratio according to user request before image capture unit captures the images (Washino, col. 6, lines 60-65 thru col. 7, lines 1-10 and col. 8, lines 46-56, system of Washino setting number of pixels and compression ratio and col. 7, liners 1-10, Washino states computer software is provided to implement menu driven management of data bandwidth allocation to the various image sources which corresponds to setting number of pixels and compression ratio before image capture unit captures the images).

a control unit that controls a number of pixels and a compression ratio of each image (Washino in Figure 7, col.6, lines 62-67, and col. 8, lines 48-50, Washino shows graphics processor performs controlling number of pixels [image size] and compression ratio).

Washino however has not explicitly disclosed or a setting unit adapted to set the number of pixels of each images and compression ratio individually according to user request.

In the same field of endeavor of image/video transmission Scores discloses a setting unit adapted to set the number of pixels of each images and

compression ratio individually according to user request (Scores Fig. 1 and 2 and col. 4, lines 42-46, the operator of the system may select the resolution [number of pixels and compression level [compression ratio] and Figure 2 shows selecting individually number of pixels [resolution] and compression ratio [level] for each image).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use a setting unit adapted to set the number of pixels of each images and compression ratio individually as shown by Scores in the system of Washino to select the number of pixels of each images and compression ratio individually because such a system provide transmission of video images worldwide and through relatively low bandwidth transmission media (Scores, col. 2, lines 26-30) thereby avoiding bandwidth constrains in the video image transmission.

Regarding claim 35, display unit that displays information indicating the number of pixels and the compression ratio selected by the user (Washino in , col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows user selecting number of pixels and compression ratio and in col. 7, lines 1-2, Washino states computer software is provided to implement menu driven management of data bandwidth i.e. Washino system therefore has to display [menu driven] number of pixels and the compression selected by user).

Washino however has not explicitly disclosed display the number of pixels and compression ratio individually.

In the same field of endeavor of image/video transmission Scores discloses display the number of pixels and compression ratio individually (Scores Fig. 1 and 2 and col. 4, lines 42-46, the operator of the system may select the resolution [number of pixels and compression level [compression ratio] and Figure 2 shows selecting individually number of pixels [resolution] and compression ratio [level] for each image and in Fig. 3 Scores shows display unit connected with control processing of video image transmission which obviously would display selected resolution [number of pixels and compression level [compression ratio] individually because in col. 2, lines 47-50, Scores states the object of the invention is to make aware the operator/user of progress of video image transmission).

. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use a display the number of pixels of each images and compression ratio individually as shown by Scores in the system of Washino because such a system would inform the operator of progress of video image transmission (Scores, col. 2, lines 47-50) thereby avoiding unnecessary transmission of video images in the constraint bandwidth environment.

Regarding claim 36, Wahino discloses recording unit that records the image data (Washino in col. 6, lines 29-33 shows image recording unit).

Regarding claim 37, Washino discloses wireless transmitting unit that transmits the image data by wireless transmission (Washino, in col. 3, lines 46-50, shows wireless transmitting unit such as satellite links).

Regarding claim 38, Washino discloses display unit that displays information indicating the number of pixels [image size] and the compression ratio selected by the user (Washino in , col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows user selecting number of pixels and compression ratio and in col. 7, lines 1-2, Washino states computer software is provided to implement menu driven management of data bandwidth i.e. Washino system therefore has to display [menu driven] number of pixels and the compression selected by user),

a recording unit that records the image data (Washino in col. 6, lines 29-33 shows image recording unit), and

a wireless transmitting unit that transmits the image data by wireless transmission (Washino, in col. 3, lines 46-50, shows wireless transmitting unit such as satellite links).

Washino however has not explicitly disclosed display the number of pixels and compression ratio individually.

In the same field of endeavor of image/video transmission Scores discloses display the number of pixels and compression ratio individually (Scores Fig. 1 and 2 and col. 4, lines 42-46, the operator of the system may select the resolution [number of pixels and compression level [compression ratio] individually/separately and Figure 2 shows selecting individually number of pixels [resolution] and compression ratio [level] for each image and in Fig. 3 Scores shows display unit connected with control processing or user interface of video image transmission system which obviously would display selected resolution [number of pixels and compression level [compression ratio] individually because

in col. 2, lines 47-50, Scores states the object of the invention is to make aware the operator/user of progress of video image transmission).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use a display the number of pixels of each images and compression ratio individually as shown by Scores in the system of Washino because such a system would inform the operator of progress of video image transmission (Scores, col. 2, lines 47-50) thereby avoiding unnecessary transmission of video images in the constraint bandwidth environment.

Regarding claim 44 Washino discloses an image capture apparatus (Washino in Figure 7, col. lines 48-52, shows an image capture apparatus i.e. camera and PC based image monitoring system) comprising:

an image capture unit that captures image data (Washino in Figure 7, col.6, lines 48-52 shows camera which captures image data); and

the setting unit set a frame rate, number of pixels individually and a compression ratio of the image data according to a frame rate, number of pixels and a compression ratio selected by a user before image capture unit capture images (Washino in Figure 7, col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows the setting unit setting a frame rate, number of pixels individually [col. 6, lines 64-66] and a compression ratio according to selected by a user [col. 8, lines 49-53 i.e. number of pixels is dependent on compression ratio and furthermore and col. 7, liners 1-10, Washino states computer software is provided to implement menu driven management of data bandwidth allocation to the various image sources which corresponds to setting number of pixels,

compression ratio and frame rates before image capture unit captures the images).

a control unit that controls a frame rate, number of pixels and a compression ratio of the image data (Washino in Figure 7, col.6, lines 62-67, and col. 8, lines 48-50, Washino shows graphics processor performs controlling frame rate, number of pixels and compression ratio),

Washino however has not explicitly disclosed a setting unit adapted to set the number of pixels of each images and compression ratio individually according to user request. In other words in the system of Washino number of pixels is dependent on compression ratio.

In the same field of endeavor of image/video transmission Scores discloses a setting unit adapted to set the number of pixels of each images and compression ratio individually according to user request (Scores Fig. 1 and 2 and col. 4, lines 42-46, the operator of the system may select the resolution [number of pixels and compression level [compression ratio] and Figure 2 shows selecting individually number of pixels [resolution] and compression ratio [level] for each image).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use a setting unit adapted to set the number of pixels of each images and compression ratio individually as shown by Scores in the system of Washino to select the number of pixels of each images and compression ratio individually because such a system provide transmission of video images worldwide and through relatively low bandwidth transmission media

(Scores, col. 2, lines 26-30) thereby avoiding bandwidth constrains in the video image transmission.

Regarding claim 45, display unit that displays information indicating the frame rate, number of pixels individually and the compression ratio selected by the user (Washino in , col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows user selecting frame rate, number of pixels individually and compression ratio and in col. 7, lines 1-2, Washino states computer software is provided to implement menu driven management of data bandwidth i.e. Washino system therefore has to display [menu driven] frame rate, number of pixels and the compression selected by user).

Washino however has not explicitly disclosed display the number of pixels and compression ratio individually. In other words in the system of Washino number of pixels is dependent on compression ratio.

In the same field of endeavor of image/video transmission Scores discloses display the number of pixels and compression ratio individually (Scores Fig. 1 and 2 and col. 4, lines 42-46, the operator of the system may select the resolution [number of pixels and compression level [compression ratio] and Figure 2 shows selecting individually number of pixels [resolution] and compression ratio [level] for each image and in Fig. 3 Scores shows display unit connected with control processing of video image transmission which obviously would display selected resolution [number of pixels and compression level [compression ratio] individually because in col. 2, lines 47-50, Scores states the

object of the invention is to make aware the operator/user of progress of video image transmission).

. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use a display the number of pixels of each images and compression ratio individually as shown by Scores in the system of Washino because such a system would inform the operator of progress of video image transmission (Scores, col. 2, lines 47-50) thereby avoiding unnecessary transmission of video images in the constraint bandwidth environment.

Regarding claim 46, Wahino discloses recording unit that records the image data (Washino in col. 6, lines 29-33 shows image recording unit).

Regarding claim 47, Washino discloses wireless transmitting unit that transmits the image data by wireless transmission (Washino, in col. 3, lines 46-50, shows wireless transmitting unit such as satellite links).

Regarding claim 48, Washino discloses display unit that displays information indicating the frame rate, number of pixels and the compression ratio selected by the user (Washino in , col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows user selecting frame rate, number of pixels and compression ratio and in col. 7, lines 1-2, Washino states computer software is provided to implement menu driven management of data bandwidth i.e. Washino system therefore has to display [menu driven] frame rate, number of pixels and the compression selected by user),

a recording unit that records the image data (Washino in col. 6, lines 29-33 shows image recording unit), and

a wireless transmitting unit that transmits the image data by wireless transmission (Washino, in col. 3, lines 46-50, shows wireless transmitting unit such as satellite links).

Washino however has not explicitly disclosed display the number of pixels and compression ratio individually. In other words in the system of Washino number of pixels is dependent on compression ratio.

In the same field of endeavor of image/video transmission Scores discloses display the number of pixels and compression ratio individually (Scores Fig. 1 and 2 and col. 4, lines 42-46, the operator of the system may select the resolution [number of pixels and compression level [compression ratio] individually/separately and Figure 2 shows selecting individually number of pixels [resolution] and compression ratio [level] for each image and in Fig. 3 Scores shows display unit connected with control processing or user interface of video image transmission system which obviously would display selected resolution [number of pixels and compression level [compression ratio] individually because in col. 2, lines 47-50, Scores states the object of the invention is to make aware the operator/user of progress of video image transmission).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use a display the number of pixels of each images and compression ratio individually as shown by Scores in the system of Washino because such a system would inform the operator of progress of video image transmission (Scores, col. 2, lines 47-50) thereby avoiding unnecessary transmission of video images in the constraint bandwidth environment.

Remarks

4. Applicant argued the following in the Applicant's amendment/arguments:

Washino et al. and Scorse et al., do not show setting number of pixels and a compression rate individually according to a user request before the capture unit captures image. There is no showing of motivation to combine the references.

Washino, in col. 6, lines 60-65 thru col. 7, lines 1-10 and col. 8, lines 46-56, shows setting number of pixels and compression ratio and col. 7, liners 1-10, and furthermore Washino states computer software is provided to implement menu driven management of data bandwidth allocation to the various image sources which corresponds to setting number of pixels and compression ratio before image capture unit captures the images which corresponds to setting number of pixels and compression ratio according to a user request before the capture unit captures image.

Washino however has not explicitly disclosed or a setting unit adapted to set the number of pixels of each images and compression ratio individually according to user request. In the same field of endeavor of image/video transmission Scores discloses a setting unit adapted to set the number of pixels of each images and compression ratio individually according to user request (Scores Fig. 1 and 2 and col. 4, lines 42-46, the operator of the system may select the resolution [number of pixels and compression level [compression ratio] and Figure 2 shows selecting individually number of pixels [resolution] and compression ratio [level] for each image).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use a setting unit adapted to set the number of pixels of each images and compression ratio individually as shown by Scores in the system of Washino to select the number of pixels of each images and compression ratio individually because such a system provide transmission of video images worldwide and through relatively low bandwidth transmission media (Scores, col. 2, lines 26-30) thereby avoiding bandwidth constrains in the video image transmission.

Communication

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherali Ishrat whose telephone number is 571-272-7398. The examiner can normally be reached on 8:00 AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ishrat Sherali

ISHRAT SHERALI
PRIMARY EXAMINER

November 21, 2006